

From: Neal McBurnett
To: Microsoft ATR
Date: 11/22/01 4:34pm
Subject: Microsoft continues to hurt consumers by illegally extending monopolies

The proposed settlement with Microsoft is completely inadequate.

Microsoft continues to hurt consumers by illegally extending monopolies, and your proposed settlement will do little to change that.

This happens in the word processing market in which they now use bundling arrangements to help MS Word and Office displace the competition. Having the documentation of a huge percentage of the world in a proprietary format is bad for our security and for innovation.

Microsoft is now aggressively trying to take over the Internet services market with its Passport and .NET initiatives.

In particular, the Passport system puts Microsoft in control of a vast amount of valuable and confidential consumer information. But Microsoft has demonstrated not only the likelihood that it will use that position to the detriment of fair competition, but also that it is incapable of protecting the privacy of that information.

III.J: J. No provision of this Final Judgment shall... Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria

Exempting security-related portions of APIs from the API disclosure requirements is not only disastrous for fair competition but also bad for our security. Time and time again it has been demonstrated that "security through obscurity" is bad practice, since the inevitable design flaws and bugs get broadly embedded in the marketplace before the flaws and exploits are discovered and developed, leaving more at risk.

The way this is written, in fact, encourages Microsoft to use protocols which are weak and thus would be protected from disclosure, since disclosure would compromise their security and trigger this provision.

Please reevaluate your position, listen to the state

attorneys-general, and ensure that Microsoft cannot continue to abuse its monopolies.

A split-up looks like the best approach - into three companies to pursue the OS, the applications, and Internet services.

Thank you,

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